United Nations S/AC.37/2003/(1455)/3

Security Council

Distr.: General
15 April 2003

Original: English

Security Council Committee established pursuant to resolution 1267 (1999)

Note verbale dated 11 April 2003 from the Permanent Mission of Angola to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Angola to the United Nations presents its compliments to the Chairman of the Committee established by Security Council resolution 1267 (1999), and has the honour to submit herewith the report of the Republic of Angola on legislation and measures for preventing and combating terrorism, prepared pursuant to Security Council resolution 1455 (2003).

03-32700 (E) 220403

Annex to the note verbale dated 11 April 2003 from the Permanent Mission of Angola to the United Nations addressed to the Chairman of the Committee

Report of the Republic of Angola pursuant to paragraph 6 of Security Council resolution 1455 (2003)

I. Introduction

The adoption of resolutions 1267 (1999), 1373 (2001), 1390 (2002) and 1455 (2003) and the establishment of the Committee pursuant to resolution 1267 (1999) has a major significance in the fight against terrorism and for improving the capacity to counter terrorism and to protect every nation against terrorist acts.

With reference to the activities of Osama bin Laden, al-Qa'idah, the Taliban and their associates, the Republic of Angola has been an active and serious partner in the fight against global terrorism.

As perceived by and in accordance with law, terrorist acts or the activities of Osama bin Laden, al-Qa'idah and their associates are typified as crimes that endanger national security.

According to the Penal Law of the Republic of Angola, crime is understood as being a set of presumptions from which depends the application of a penalty or of a measure of criminal security as defined in article 1 of the Penal Law, which reads: "Crime is the act voluntarily committed, declared punishable by the Penal Law."

The financing of terrorism and/or the activities of Osama bin Laden, al-Qa'idah, the Taliban and their associates are typified in articles 263 (Association of Malefactors), 282 (Illicit organizations), 283 (Secret associations) as well as in articles 349 and 350 of the Penal Law concerning crimes against the security of individuals.

According to article 21 of the Constitutional Law, "the fundamental rights (...) do not exclude the application of other laws or rules from international law (...) the constitutional and legal norms related to fundamental rights are applicable in harmony with the international juridical instruments to which Angola is already a party, being capable of being invoked by both parties".

In accordance with paragraph 1 of article 120 of the Constitutional Law, the courts are competent to administer justice, compliance with their decisions being obligatory for all citizens and legal persons. They prevail over the acts of other authorities. The different organs of national defence, besides their coercive function, have "procedural initiative" with regard to the crimes which we are dealing with, exercised in the terms of the Penal and Procedural Law.

In case of any information suggesting the presence of al-Qa'idah terrorist network in the country, the different organs of national defence must inform the Committee of the names and identifying information, to the extent possible, of the al-Qa'idah organization, Taliban and other individuals and groups associated with them, in compliance with resolution 1455 (2003).

II. Consolidated list

Through Article 24, paragraph 1, and Article 25 of the Charter of the United Nations the States confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties, under this responsibility, the Security Council acts on their behalf.

This being the case, we consider the resolutions of the Security Council as a subsidiary source of international law.

The concept of the primacy of international law is mentioned in the Constitutional Law of the Republic of Angola, article 21, which states: "The constitutional and legal norms related to fundamental rights are applicable in harmony with the international juridical instruments to which Angola is already a party, being capable of being invoked by both parties."

Compliance with international law is a primary concern of the Republic of Angola; its norms as well as the resolutions adopted by the Security Council under Chapter VII of the Charter of the United Nations are directly incorporated into the national juridical framework.

Thus, regarding the consolidated list, if there is any information suggesting the presence of al-Qa'idah terrorist network in the Republic of Angola, the different organs of national defence must convey to the Committee the names and identifying information, to the extent possible, of al-Qa'idah organization, Taliban and other individuals and groups associated with them in compliance with resolution 1455 (2003).

III. Financial and economic assets freeze

IV. Travel ban

V. Arms embargo

VI. Assistance and conclusion

The sanctions regime referred to in resolutions 1267 (1999), 1390 (2002) and 1455 (2003) concerning the freeze of financial and economic assets, as well as the travel ban and arms embargo, are instruments of the international community to address situations that threaten international peace and security.

Concerning measures taken by the Government of Angola, it is pertinent to mention the role played by Angola in the context of the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola.

Angola played a determining role in the adoption of resolutions 1127 (1997) and 1173 (1998). The application of those sanctions resulted in the restriction of movement, the freezing of assets and/or financial resources of people and/or organizations that had, at that time, direct or indirect links with the financing and/or with terrorist acts committed in Angola and in neighbouring countries.

It is equally important to note the role that Angola played in the negotiation and conclusion of the Kimberley process, which, as is known, ended with the adoption of the Interlaken Declaration that put into effect a system of international certification which had the main goal of fighting illicit trafficking in diamonds and its links to transnational organized crime and the financing of terrorist acts.

Concretely, on the present topic, until now, the activities of Osama bin Laden, al-Qa'idah, the Taliban and their associates have not been reported by the different organs of national defence of Angola.

The Committee's list is automatically incorporated within the national legal framework since the Republic of Angola considers the Security Council resolutions, adopted under Chapter VII, as a subsidiary source of international law. Thus, the different organs of national defence as well as the Angola visa-issuing authorities and border checkpoints are committed to providing information and taking measures in compliance with resolutions 1267 (1999), 1390 (2002), and 1455 (2003).

While the primary responsibility for implementing sanctions enacted by the Security Council resolutions rests with Member States, effective implementation depends on effective coordination between the United Nations and Member States.

The Republic of Angola having already submitted relevant information in previous reports to the Counter-Terrorism Committee under resolution 1373 (2001), we enclose it as information to be taken into account by the Committee established pursuant to resolution 1267 (1999) in the context of the requirements of resolution 1455 (2003).

The Republic of Angola considers that Security Council resolutions 1267 (1999) and 1455 (2003) lay upon all States the obligation to strengthen legal institutions and capacities to combat terrorism. The Republic of Angola will continue to cooperate with the Committee and to implement its obligations under resolution 1455 (2003) by strengthening international standards and norms through resolution 1267 (1999).

Enclosures*

- Reports submitted to the Counter-Terrorism Committee
- Provisions of the Constitutional Law of the Republic of Angola
- Provisions of the Criminal Law of Angola
- Law on national security

* The enclosures referred to in the report are on file with the Secretariat, room S-3055, and are available for consultation.